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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Georges Baikoff et al.  
Serial No. : 09/833,958 Examiner : Not Yet Assigned  
Filed : April 12, 2001 Group Art Unit: Not Yet Assigned  
For : SCLERAL EXPANSION SEGMENT

**PETITION TO RESET TIME PERIOD****EXPRESS MAIL LABEL NO.: ET346779210US**

May 17, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully petition to reset the time period to respond to the Notice to File Missing Parts for this application.

Enclosed herewith is a Response to Notice to File Missing Parts, an executed Combined Declaration and Power of Attorney documents signed by the inventors on January 4, 2002 and January 7, 2002 and a copy of the Notice to File Missing Parts that was faxed to the attorneys for applicants upon request of applicants' attorney on February 19, 2002.

Attorneys for applicants never received the Notice to File Missing Parts allegedly mailed on June 5, 2001 until February 19, 2002. On February 19, 2002, attorneys for applicants called the Patent Office and inquired as to the status of the issuance of a Notice to File Missing Parts. It was at that time that attorneys for applicants learned of this missing paper.

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A Notice of Abandonment has not been received for this application by attorneys for applicants.

Attorneys for applicants first became aware of the Notice after the period to respond had expired, thereby giving applicants no opportunity to submit the accompanying Combined Declaration and Power of Attorney documents, signed January 4, 2002 at January 7, 2002.

In view of these circumstances, applicants respectfully request that the time to respond to the Notice be measured from the date the Notice was actually received, i.e. February 19, 2002, without cost to applicants. This would create a deadline of May 19, 2002 for submission of the accompanying Combined Declaration and Power of Attorney documents.

Applicants enclosed herewith a check for \$130.00 in payment of the surcharge for late submission of the declaration.

In the event a Petition to Revive an abandoned application is required, applicants hereby petition to revive this application as unintentionally abandoned. Applicants were not aware that the Patent Office issued the Notice to File Missing Parts and, therefore, did not file a Combined Declaration and Power of Attorney within the period presented by the Patent Office. The entire delay in filing the required reply from the due dates to the date of the filing this grantable petition was unintentional. At no time did applicants or attorneys for applicants intentionally abandon the above-identified application.

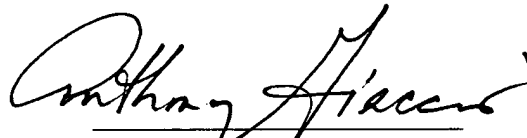
Enclosed herewith is the required Response to Notice to File Missing Parts along with the executed Combined Declaration and Power of Attorney documents, which are responsive to the Notice dated June 5, 2001, but first received on February 19, 2002.

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In the event applicants' petition to reset the period of reply is granted, applicants respectfully request a refund of the extension of time and the petition fee totaling \$2, 200. The Commissioner is hereby authorized to charge any fee associated with this submission and credit any overpayment to our deposit account 02-4377. Two copies of this paper are attached.

Favorable consideration is respectfully requested.

Respectfully submitted,  
BAKER BOTTS L.L.P

A handwritten signature in black ink, appearing to read "John D. Murnane", is written over a horizontal line.

John D. Murnane  
Patent Office Reg. No. 29,836

Anthony Giaccio  
Patent Office Reg. No. 39,684

Attorneys for the Applicants  
212-408-2500

Enclosures